

1 DAN SIEGEL, SBN 56400
 2 DEAN ROYER, SBN 233292
 3 SIEGEL & YEE
 4 499 14th Street, Suite 220
 5 Oakland, CA 94612
 6 Telephone: 510.839.1200
 7 Facsimile: 510.444.6698
 8 Email: deanroyer@siegelyee.com

9
 10 Attorneys for Plaintiff
 11 DONNIE COX

12 ROBERT L. ZALETTEL, Bar No. 096262
 13 LITTLER MENDELSON
 14 A Professional Corporation
 15 650 California Street, 20th Floor
 16 San Francisco, CA 94108-2693
 17 Telephone: 415.433.1940
 18 Email: rzalettel@littler.com

19 LEE HUTTON, Ohio Bar No. 0006794
 20 LITTLER MENDELSON
 21 A Professional Corporation
 22 1100 Superior Avenue, 20th Floor
 23 Cleveland, OH 44114
 24 Telephone: 216.696.7600
 25 Email: lhutton@littler.com
 (Admitted *Pro Hac Vice*)

26 Attorneys for Defendant
 27 ELECTRONIC DATA SYSTEMS L.L.C.,
 28 formerly known as ELECTRONIC DATA
 29 SYSTEMS CORPORATION

30
 31 UNITED STATES DISTRICT COURT
 32
 33 NORTHERN DISTRICT OF CALIFORNIA

34
 35 DONNIE COX,

36 Plaintiff,

37 v.

38 ELECTRONIC DATA SYSTEMS
 39 CORPORATION; and DOES 1 through
 40 10, inclusive,

41 Defendants.

42 Case No. CV 08 3927 WHA

43
**STIPULATION AND [PROPOSED]
 44 ORDER FOR DISMISSAL OF THIRD
 45 CAUSE OF ACTION OF THE FIRST
 46 AMENDED COMPLAINT AND
 47 PARAGRAPH 47 OF THE SEVENTH
 48 CAUSE OF ACTION
 49 (Fed. R. Civ. P. 41(a)(1))**

WHEREAS, the Parties have reached a partial settlement of the case with respect to the claims that Plaintiff was not paid appropriate sums in his final paycheck in a timely manner under California Labor Code §§ 201, 203; and

WHEREAS, the Parties wish to simplify the issues in this case through a partial settlement; and

WHEREAS, as part of the settlement Plaintiff has agreed to dismiss the Third Cause of Action of the First Amended Complaint (Late Payment of Wages, Labor Code § 201) and paragraph 47 of the Seventh Cause of Action for Unfair Business Practices (incorporating the allegations of the Third Cause of Action) with prejudice, with each side to bear its own attorneys' fees and costs associated only with those claims.

WHEREFORE, the Parties hereby stipulate to the dismissal of the Third Cause of Action of the First Amended Complaint and paragraph 47 of the Seventh Cause of Action with prejudice, with each side to bear its own attorneys' fees and costs associated only with those claims.

SO STIPULATED.

Dated: March 26, 2009

/s/ Dean Royer
DEAN ROYER
SIEGEL & YEE
Attorneys for Plaintiff
DONNIE COX

Dated: February , 2009

/s/ Robert L. Zaletel
ROBERT L. ZALETEL
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
ELECTRONIC DATA SYSTEMS L.L.C.,
formerly known as ELECTRONIC DATA
SYSTEMS CORPORATION

{PROPOSED} ORDER

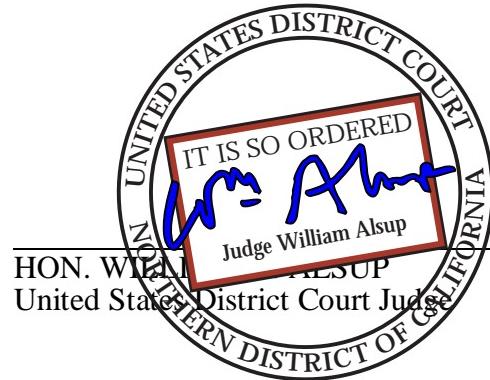
FOR GOOD CAUSE APPEARING:

Pursuant to the partial settlement of the case, the Third Cause of Action of the First

**STIP. AND [PROPOSED] ORDER RE
DISMISSAL OF 3RD CAUSE OF ACTION**

1 Amended Complaint and paragraph 47 of the Seventh Cause of Action of the First Amended
2 Complaint are hereby dismissed with prejudice, with each side to bear its own attorneys' fees and
3 costs associated only with those claims.

4
5 Dated: April 1 , 2009
6
7



HON. WILLIAM A. ALSUP
United States District Court Judge

8
9
10 Firmwide:88603004.1 056073.1009
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28